UNITED
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Economic and Social Council

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E/1990/C.2/L.1
7 May 1990

ORIGINAL: ENGLISH

First regular session of 1990
SECOND (SOCIAL) COMMITTEE
Agenda item 4

ADVANCEMENT OF WOMEN

Algeria, Argentina*, Bahamas, Bolivia*, Chile*, China, Colombia, Cuba, Dominican Republic*, Ecuador, Egypt*, France, Greece, Guinea, India, Indonesia, Italy, Jamaica, Lesotho, Mexico, Morocco*, New Zealand, Nicaragua, Nigeria*, Peru*, Philippines*, Spain*, Tunisia, Uruguay*, Venezuela and Yugoslavia: draft resolution

International Research and Training Institute for the Advancement of Women

The Economic and Social Council,

Recalling its resolution 1989/43 of 24 May 1989, in which the Council took note of the report of the Board of Trustees of the International Research and Training Institute for the Advancement of Women on its ninth session, 1/

Recalling also General Assembly resolution 44/60 of 8 December 1989 in which the Assembly took note of the report of the International Research and Training Institute for the Advancement of Women on its activities, 2/

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* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

1/ E/1989/46.

2/ A/44/416, annex.

Having considered the report of the Board of Trustees of the Institute on its tenth session, 3/

Recognizing the significance of the global role of the Institute as the international training and research body for the advancement of women, providing direction on issues related to women and development,

1. Takes note with satisfaction of the report of the Board of Trustees of the International Research and Training Institute for the Advancement of Women on its tenth session and the decisions contained therein; 1/

2. Expresses its appreciation on the successful implementation of the programmes of the Institute, particularly activities on statistics and indicators on women, including women's role in the informal sector, the first phase of the long-term research programme on monitoring and evaluation methodologies for developmental programmes related to women, sectoral approaches, especially water supply and sanitation, new and renewable sources of energy and communication for women and development;

3. Takes note of the programme budget of the Institute for the biennium 1990-1991, approved by the Board of Trustees at its tenth session, and the commencement of work on methdological approaches to women, the environment and sustainable development;

4. Commends the further strengthening of the network mode of operation of the Institute, including increased co-operation between the Institute and the regional commissions, giving priority to the programming of parallel activities;

5. Expresses its profound satisfaction that on the tenth anniversary of the establishment of the Institute, it has proved itself to be an invaluable body of the United Nations in fulfilling the requirements of the Charter of the United Nations to promote social progress by reaffirming the equal rights of women and men and to further economic and social advancement;

6. Reaffirms that the Institute will continue its dual approach as both an agent for sensitization on the role of women in the mainstream of development, as well as a centre for specialized research, training and information, and for co-operation with other organizations with parallel interests within and outside the United Nations system;

7. Recommends, in the growing role of research, training and information on women and development within and outside the United Nations system, that the Institute continue to work on new methodological approaches in these fields;

8. Expresses its appreciation on the tenth anniversary of the Institute to those Member States, both developed and developing, that have contributed to the Trust Fund of the Institute, thereby ensuring the establishment, continuity and

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3/ E/1990/34.

expansion of the Institute's work, the support of the host country and the Secretary-General, and the collaboration of co-operating bodies within and outside the United Nations system with the activities of the Institute;

9. Renews its appeal to Governments, intergovernmental and non-governmental organizations and other potential donors to continue contributing, and to the extent possible, to increase their contributions to the United Nations Trust Fund for the International Research and Training Institute for the Advancement of Women.

READEX FICHE

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Agenda item 4

ADVANCEMENT OF WOMEN

Australia*, Austria*, Bulgaria, Canada, Denmark*, Finland, Germany, Federal Republic of, Greece, Indonesia, Italy, Mexico, Norway*, Spain*, Sweden and Yugoslavia:
draft resolution

Elimination of discrimination against women in accordance with the aims of the Convention on the Elimination of All Forms of Discrimination against Women

The Economic and Social Council,

Bearing in mind that one of the purposes of the United Nations, as stated in Articles 1 and 55 of the Charter, is to promote universal respect for human rights and fundamental freedoms for all without distinction of any kind, including distinction as to sex,

Affirming that women and men should participate equally in social, economic and political development, should contribute equally to such development and should share equally in improved conditions of life,

Recalling General Assembly resolution 34/180 of 18 December 1979, by which it adopted the Convention on the Elimination of All Forms of Discrimination against Women,

Welcoming the events to mark and commemorate the tenth anniversary of the adoption of the Convention,

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* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

Recalling also General Assembly resolution 44/73 of 8 December 1989 and Economic and Social Council resolution 1989/44 of 24 May 1989,

Noting resolution 34/6 of 8 March 1990, adopted by the Commission on the Status of Women, 1/

Taking note of the decisions taken on 6 February 1990 at the Fifth Meeting of States Parties to the Convention,

Having considered the report of the Committee on the Elimination of Discrimination against Women on its ninth session, 2/

Noting that the Committee agreed, in examining reports, to take due account of the different cultural and socio-economic systems of States parties to the Convention,

Noting also with satisfaction the establishment of the practice of holding a pre-sessional working group three to five days prior to the Committee session,

Recalling that the World Health Organization has announced that the theme of World AIDS Day, 1 December 1990, will be "Women and AIDS",

1. Takes note of the report of the Committee on the Elimination of Discrimination against Women on its ninth session; 2/

2. Welcomes the ratification of or accession to the Convention on the Elimination of All Forms of Discrimination against Women by an increasing number of Member States;

3. Urges all States that have not yet ratified or acceded to the Convention to do so as soon as possible;

4. Invites States parties to the Convention to make all possible efforts to submit their initial implementation reports, as well as their second and subsequent periodic reports, in accordance with article 18 of the Convention and the guidelines provided by the Committee on the Elimination of Discrimination against Women, and to co-operate fully with the Committee in the presentation of their reports;

5. Welcomes the efforts made by the Committee to rationalize its procedures and expedite the consideration of periodic reports and to develop procedures and guidelines for the consideration of second and subsequent periodic reports, and strongly encourages the Committee to continue those efforts;

1/ E/1990/25, chap. I, sect. C; for the final text, see Official Records of the Economic and Social Council, 1990, Supplement No. 5.

2/ A/45/38; for the final text, see Official Records of the General Assembly, Forty-fifth Session, Supplement No. 38.

6. Welcomes also, in accordance with the Committee's general recommendation No. 11, the initiatives taken to provide regional training courses on the preparation and drafting of States parties' reports for government officials and urges the relevant organs and organizations of the United Nations to support such initiatives;

7. Recognizes the special relevance of the periodic reports of States parties to the Convention to the efforts of the Commission on the Status of Women to review and appraise the implementation of the Nairobi Forward-looking Strategies for the Advancement of Women 3/ in those countries;

8. Acknowledges the efforts of the Secretary-General to provide secretariat staff and technical resources for the effective performance of the functions of the Committee;

9. Shares the view of the General Assembly that the Secretary-General should accord higher priority within existing resources to strengthening technical and substantive support for the Committee;

10. Requests the Secretary-General to continue to provide, facilitate and encourage, within existing resources, the dissemination of public information relating to the Committee, its recommendations, the Convention and the concept of legal literacy, taking into account the Committee's own recommendations to this end;

11. Recommends that meetings of the Committee be scheduled, whenever possible, to allow for the timely transmission of the results of its work to the Commission on the Status of Women, for information, the same year.

3/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

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10 May 1990

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First regular session of 1990
SECOND (SOCIAL) COMMITTEE
Agenda item 5

SOCIAL DEVELOPMENT

Denmark*, Finland, Netherlands and New Zealand: draft resolution

Capital punishment

The Economic and Social Council,

Recalling its resolutions 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1984/50 of 25 May 1984 and 1985/33 of 29 May 1985,

Recalling General Assembly resolutions 2857 (XXVI) of 20 December 1971, 32/61 of 8 December 1977 and 39/118 of 14 December 1984,

Recalling also that in its resolution 1989/64 of 24 May 1989, it requested that future reports on the question of capital punishment and on the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty be combined,

Having examined the forth quinquennial report of the Secretary-General on capital punishment, 1/

Concerned that only forty-three Governments responded to the questionnaire sent by the Secretary-General requesting information for the preparation of the fourth quinquennial report,

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* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

1/ E/1990/38 and Corr.1.

1. Invites Member States to provide the Secretary-General with the information required for the preparation of the fifth quinquennial report on capital punishment, in 1995;

2. Takes note of the fact that in the period under review in the report of the Secretary-General some countries have abolished capital punishment, others have adopted a policy of reducing the number of capital offences or have reported not imposing death sentences on offenders, while others have retained capital punishment;

3. Requests the Committee on Crime Prevention and Control to keep the question of capital punishment under constant review;

4. Requests the Secretary-General, in preparing the fifth quinquennial report, to draw on all available data, including current criminological research, and to invite the comments of specialized agencies and intergovernmental and non-governmental organizations on this question.

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SECOND (SOCIAL) COMMITTEE
Agenda item 5

SOCIAL DEVELOPMENT

Denmark*, Finland, Netherlands and New Zealand: draft resolution

Capital punishment

The Economic and Social Council,

Recalling its resolutions 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1984/50 of 25 May 1984 and 1985/33 of 29 May 1985,

Recalling General Assembly resolutions 2857 (XXVI) of 20 December 1971, 32/61 of 8 December 1977 and 39/118 of 14 December 1984,

Having examined the fourth quinquennial report of the Secretary-General on capital punishment, 1/ and having found certain imprecisions and errors in it, as recognized by the representative of the Secretary-General,

Aware that only forty-three Governments responded to the questionnaire sent by the Secretary-General requesting information for the preparation of the fourth quinquennial report,

1. Invites Member States to provide the Secretary-General with the information required for the preparation of the fifth quinquennial report on capital punishment, in 1995;

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* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

1/ E/1990/38 and Corr.1.

2. Takes note of the fact that in the period under review in the report of the Secretary-General some countries have abolished capital punishment, others have adopted a policy of reducing the number of capital offences or have reported not imposing death sentences on offenders, while others have retained capital punishment;

3. Requests the Committee on Crime Prevention and Control to keep the question of capital punishment under review;

4. Requests the Secretary-General to submit to the Council, at its second regular session of 1990, a revised version of the fourth quinquennial report;

5. Requests the Secretary-General, in preparing the fifth quinquennial report, to draw on all available data, including current criminological research, and to invite the comments of specialized agencies and intergovernmental and non-governmental organizations on this question.

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Economic and Social Council

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First regular session of 1990
SECOND (SOCIAL) COMMITTEE
Agenda item 5

SOCIAL DEVELOPMENT

Colombia, Poland* and Ukrainian Soviet Socialist Republic: draft resolution

Achievement of social justice

The Economic and Social Council,

Recalling General Assembly resolutions 42/49 of 30 November 1987 and 44/55 of 8 December 1989, and Council resolutions 1988/46 of May 1988 and 1989/71 of 24 May 1989,

Recalling also the pledge made by States Members of the United Nations in the Charter of the United Nations to take joint and separate action to promote higher standards of living, full employment and conditions of economic and social progress and development,

Bearing in mind that social progress and development must be founded on respect for the dignity and value of the human person and must ensure the promotion of human rights and social justice,

Mindful of the Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future, 1/ of the Nairobi Forward-Looking Strategies for

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* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

1/ General Assembly resolution 2542 (XXIV), art. 2.

the Advancement of Women, 2/ of the World Programme of Action concerning Disabled Persons 3/ and of the International Plan of Action on Aging, 4/

Persuaded of the importance of taking measures to ensure co-ordination within the United Nations systems in order to develop a comprehensive approach to developmental social welfare, including better integrated and mutually supportive economic and social development policies, aimed at the achievement of social justice,

1. Confirms that social justice is one of the most important goals of social progress;

2. Reaffirms that the common purpose of the international community must be to forge from varied economic, social and political conditions a global environment of sustained development, full enjoyment of human rights and fundamental freedoms and social justice and peace;

3. Reaffirms also the importance of co-operation among countries in promoting a climate conducive to the achievement by individual countries of the goals of development and social justice and progress;

4. Considers that such co-operation should continue to be a major focus of activities of the United Nations in accordance with the principles of the Charter of the United Nations;

5. Calls upon Member States, in elaborating policies in the field of social development and the social situation of such population groups as women, children, youth, the aging, the disabled and others, to take into consideration the importance of achieving social justice for all;

6. Recognizes that more extensive international and regional co-operation is important for promoting social justice at the national level;

7. Recommends that the Secretary-General, in preparing studies and reports on social problems, should examine questions of the realization of social justice and ways in which it could be achieved;

2/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

3/ A/37/351/Add.1 and Add.1/Corr.1, annex, sect. VIII, recommendation 1 (IV).

4/ Official Records of the Economic and Social Council, 1989, Supplement No. 13 (E/1989/13).

8. Requests the Commission for Social Development to consider the question of achieving social justice and possible avenues of international co-operation for promoting social progress.

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SECOND (SOCIAL) COMMITTEE
Agenda item 5

SOCIAL DEVELOPMENT

Byelorussian Soviet Socialist Republic,** Colombia and Ukrainian Soviet Socialist Republic: draft resolution

Achievement of social justice

The Economic and Social Council,

Recalling General Assembly resolutions 42/49 of 30 November 1987 and 44/55 of 8 December 1989, and Council resolutions 1988/46 of May 1988 and 1989/71 of 24 May 1989,

Recalling also the pledge made by States Members of the United Nations in the Charter of the United Nations to take joint and separate action to promote higher standards of living, full employment and conditions of economic and social progress and development,

Bearing in mind that social progress and development must be founded on respect for the dignity and value of the human person and must ensure the promotion of human rights and social justice,

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* Reissued for technical reasons.

** In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

Mindful of the Guiding Principles for Developmental Social Welfare Policies and Programmes in the Near Future, 1/ of the Nairobi Forward-Looking Strategies for the Advancement of Women, 2/ of the World Programme of Action concerning Disabled Persons 3/ and of the International Plan of Action on Aging, 4/

Persuaded of the importance of taking measures to ensure co-ordination within the United Nations systems in order to develop a comprehensive approach to developmental social welfare, including better integrated and mutually supportive economic and social development policies, aimed at the achievement of social justice,

1. Confirms that social justice is one of the most important goals of social progress;

2. Reaffirms that the common purpose of the international community must be to forge from varied economic, social and political conditions a global environment of sustained development, full enjoyment of human rights and fundamental freedoms and social justice and peace;

3. Reaffirms also the importance of co-operation among countries in promoting a climate conducive to the achievement by individual countries of the goals of development and social justice and progress;

4. Considers that such co-operation should continue to be a major focus of activities of the United Nations in accordance with the principles of the Charter of the United Nations;

5. Calls upon Member States, in elaborating policies in the field of social development and the social situation of such population groups as women, children, youth, the aging, the disabled and others, to take into consideration the importance of achieving social justice for all;

6. Recognizes that more extensive international and regional co-operation is important for promoting social justice at the national level;

1/ General Assembly resolution 2542 (XXIV), art. 2.

2/ Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, Nairobi, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10), chap. I, sect. A.

3/ A/37/351/Add.1 and Add.1/Corr.1, annex, sect. VIII, recommendation 1 (IV).

4/ Official Records of the Economic and Social Council, 1989, Supplement No. 13 (E/1989/13).

7. Recommends that the Secretary-General, in preparing studies and reports on social problems, should examine questions of the realization of social justice and ways in which it could be achieved;

8. Requests the Commission for Social Development to consider the question of achieving social justice and possible avenues of international co-operation for promoting social progress.

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SECOND (SOCIAL) COMMITTEE
Agenda item 5

SOCIAL DEVELOPMENT

Austria*, Belgium*, Byelorussian Soviet Socialist Republic*, Cameroon, Canada, Chile*, Colombia, Denmark*, Dominican Republic*, Egypt*, Finland, German Democratic Republic, Ghana, Iceland*, Italy, Norway*, Romania*, Saudi Arabia, Sweden, Turkey*, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Zaire and Zambia: draft resolution

Equalization of opportunities for disabled persons

The Economic and Social Council,

Recalling the United Nations instruments and declarations, as well as other international instruments, that protect the rights of all persons,

Recalling in particular the Declaration on the Rights of Disabled Persons, adopted by the General Assembly at its thirtieth session, 1/

Noting that in the World Programme of Action concerning Disabled Persons, adopted by the General Assembly at its thirty-seventh session, 2/ the equalization of opportunities for disabled persons was defined as the process through which the general system of society, such as the physical and cultural environment, housing

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* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

1/ Resolution 3447 (XXX).

2/ Resolution 37/52.

and transportation, social and health services, educational and work opportunities, cultural and social life, including sports and recreational facilities, are made accessible to all, 3/

Mindful that the objective of the United Nations Decade of Disabled Persons, proclaimed by the General Assembly at its thirty-seventh session, 4/ was conceived as the beginning of the effective implementation of the World Programme of Action concerning Disabled Persons,

Noting that the global meeting of experts, convened by the United Nations and the Government of Sweden at Stockholm in 1987, that is at midpoint of the Decade, reviewed progress made towards the implementation of the World Programme of Action concerning Disabled Persons,

Aware that the global meeting of experts identified a number of serious shortcomings as regards the implementation of the World Programme of Action,

Concerned that, as the end of the United Nations Decade of Disabled Persons is approaching, in 1992, important social, economic, political, cultural and other barriers still exist, which prevent disabled children, youth and adults from participating fully in all aspects of life,

Taking into consideration the fact that the Tallinn Guidelines for Action on Human Resources Development in the Field of Disability, annexed to General Assembly resolution 44/70 of 8 December 1989, further elaborated the goals of the World Programme of Action,

Noting that questions concerning the equalization of opportunities for disabled persons were considered at the Meeting of Experts on Alternative Ways to Mark the End of the United Nations Decade of Disabled Persons, held at Järvenpää, Finland, from 7 to 10 May 1990, which was organized jointly by the United Nations and the Government of Finland,

Recalling Commission for Social Development resolution 31/3 on the improvement of the work of the Commission, 5/

Convinced that further measures are necessary to ensure the full integration of disabled persons in society,

1. Requests the Commission for Social Development to consider, at its thirty-second session, the establishment of an ad hoc open-ended working group of

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3/ See A/37/351/Add.1, annex, sect. VIII.

4/ Resolution 37/53.

5/ Official Records of the Economic and Social Council, 1989, Supplement No. 7 (E/1989/25), chap. I, sect. D.

government experts, funded by voluntary contributions, to elaborate standard rules on the equalization of opportunities for disabled children, youth and adults, in close collaboration with the specialized agencies, other intergovernmental bodies and non-governmental organizations, especially organizations of disabled persons themselves;

2. Also requests the Commission for Social Development, should it establish such a working group, to finalize the text of those rules for consideration by the Council at its first regular session of 1993 and for submission to the General Assembly at its forty-eighth session.

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First regular session of 1990
SECOND (SOCIAL) COMMITTEE
Agenda item 5

SOCIAL DEVELOPMENT

Italy: draft resolution

Crime prevention and criminal justice

The Economic and Social Council,

Mindful of the responsibilities of the United Nations in crime prevention and criminal justice and its leading role in co-ordinating and strengthening regional and multilateral co-operation in this field,

Convinced that enhanced effectiveness and responsiveness of the United Nations programme in crime prevention and criminal justice requires adequate resources to meet its increased responsibilities,

Recalling its resolutions 1986/11 of 21 May 1986, 1987/53 of 28 May 1987, 1988/44 of 27 May 1988 and 1989/68 of 24 May 1989 on the review of the functioning and programme of work of the United Nations in crime prevention and criminal justice,

Recalling also General Assembly resolution 44/72 of 8 December 1989, in which the Economic and Social Council, at its first regular session of 1990, was invited to give priority consideration to the report of the Committee on Crime Prevention and Control on its eleventh session,

1. Takes note of the report of the Secretary-General on crime prevention and criminal justice; 1/

1/ E/1990/36.

2. Welcomes the report of the Committee on Crime Prevention and Control on its eleventh session; 2/

3. Invites intergovernmental and non-governmental organizations, which have consistently contributed in a constructive and practical way to further progress in the United Nations programme in crime prevention and criminal justice, to continue lending their support, particularly on the occasion of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;

4. Invites the General Assembly, at its forty-fifth session, in considering the report of the Eighth Congress, to take appropriate measures to ensure the timely implementation and proper follow-up of the recommendations contained therein;

5. Requests the Secretary-General to submit to the Economic and Social Council, at its first regular session of 1991, a progress report on the implementation of the present resolution, paying particular attention to action taken by the General Assembly at its forty-fifth session.

2/ E/1990/31. For the final report, see Official Records of the Economic and Social Council, 1990, Supplement No. 10.

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10 May 1990

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SECOND (SOCIAL) COMMITTEE
Agenda item 5

SOCIAL DEVELOPMENT

Bolivia+*: draft resolution

World social situation

The Economic and Social Council,

Recalling its resolution 1989/72 of 24 May 1989 and General Assembly resolution 44/56 of 8 December 1989,

Noting that in paragraph 10 of General Assembly resolution 44/56 the Secretary-General was requested to submit an interim report on the world social situation to the Assembly in 1991, through the Commission for Social Development and the Economic and Social Council,

Noting also paragraph 3 of Council resolution 1989/72, regarding the report of the Secretary-General on the work being done within the United Nations system to improve and further develop quantitative and qualitative indicators that measure accurately the social condition and the standards of living of the world's population, particularly in developing countries,

Having considered the supplement to the 1989 Report on the World Social Situation, 1/

+ On behalf of the States Members of the United Nations that are members of the Group of 77.

* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

1/ A/45/137-E/1990/35.

Noting with satisfaction that the supplement takes into account the concerns and guidelines specified in Council resolution 1989/72,

Bearing in mind the importance of the report on the world social situation for increasing awareness of the advances made towards the goals of social progress and better standards of living, established in the Charter of the United Nations, and of the obstacles to further progress,

Concerned about the worsening economic situation of the developing countries, particularly that of the least developed countries, including the significant decline in living conditions, the persistence and increase of widespread poverty in a large number of countries and the decrease of the main social and economic indicators of those countries,

Believing that there is a need for greater efforts by the United Nations system to study and disseminate data on the existing world social situation, particularly in regard to the developing countries,

1. Decides to include in its agenda for the first regular session of 1991, bearing in mind paragraph 13 of General Assembly resolution 44/56, an item entitled "World social situation", for the purpose of considering, inter alia, the interim report on the world social situation and the report requested in paragraph 3 of Council resolution 1989/72;

2. Requests the Secretary-General, in preparing the interim report, in accordance with paragraph 4 of Council resolution 1989/72, to give high priority to an analysis of the main indicators of social progress and standards of living, and to make a comprehensive analysis of the main causes and circumstances that explain negative trends in those indicators; chapters devoted to the study of specific social problems must be related to global economic and social situations, taking into account both national and international conditions.

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SECOND (SOCIAL) COMMITTEE
Agenda item 3

HUMAN RIGHTS QUESTIONS

HUMAN RIGHTS

Jordan: draft decision

Situation in southern Lebanon

The Economic and Social Council, taking note of Commission on Human Rights resolution 1990/54 of 7 March 1990, 1/ endorses the request of the Comission to the Secretary-General to bring the resolution to the attention of the concerned Government and to report to the General Assembly at its forty-fifth session on the results of his efforts in that regard.

1/ Official Records of the Economic and Social Council, 1990, Supplement No. 2 (E/1990/22), chap. II, sect. A.

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17 May 1990

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SECOND (SOCIAL) COMMITTEE
Agenda item 3

HUMAN RIGHTS QUESTIONS

Canada, Netherlands, Romania* and United States of America: draft resolution

Advisory opinion on the applicability of the Convention on the Privileges and Immunities of the United Nations in the case of rapporteurs and special rapporteurs of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

The Economic and Social Council,

Having requested, on a priority basis, in its resolution 1989/75 of 24 May 1989, an advisory opinion from the International Court of Justice on the legal question of the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations in the case of Mr. Dumitru Mazilu as Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Expresses its appreciation to the International Court of Justice for having given the unamious opinion, on 15 December 1989, that article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations is applicable in the case of the special rapporteur in question; 1/

2. Welcomes the opinion of the Court to the effect that rapporteurs and special rapporteurs of the Sub-Commission must be regarded as experts on mission within the meaning of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations.

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* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

1/ See E/1990/15/Add.1.

90-12666 2316Z (E)

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SECOND (SOCIAL) COMMITTEE
Agenda item 3

HUMAN RIGHTS QUESTIONS

Mauritania+*: draft resolution

Infringements of trade union rights in South Africa

The Economic and Social Council,

Recalling its resolution 1989/82 of 24 May 1989, in which it requested the Secretary-General to persist in his efforts to ensure referral of the complaint made by the Congress of South African Trade Unions to the Fact-finding and Conciliation Commission on Freedom of Association of the International Labour Organisation,

Noting that the note verbale from the Permanent Representative of the Republic of South Africa to the United Nations addressed to the Secretary-General 1/ does not comply with the relevant provisions of Council resolution 1989/82,

Gravely concerned about the deteriorating and dehumanizing conditions of black workers as a result of drastic restrictions on their exercise of trade union rights imposed by the Government of South Africa and about the continued police intervention in industrial disputes, including arrests, banning and harassment of trade unionists,

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+ On behalf of the Member States of the United Nations that are members of the African Group.

* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

1/ E/1990/87, annex.

Aware of the ever-growing importance of the independent black trade union movement in the struggle against apartheid,

1. Takes note of the note by the Secretary-General 2/ submitted pursuant to Council resolution 1989/82, circulating the note verbale from the Permanent Representative of the Republic of South Africa to the United Nations addressed to the Secretary-General;

2. Expresses its concern about the failure of the Government of South Africa to comply with the provisions of Council resolution 1989/82;

3. Demands the implementation of the provisions of Council resolution 1989/82 by the Government of South Africa;

4. Requests the Secretary-General to persist in his efforts to ensure the implementation of paragraph 9 of Council resolution 1989/82;

5. Further requests the Secretary-General to submit a report on the implementation of the present resolution to the Council, for consideration and action, as appropriate, at its first regular session of 1991.

2/ E/1990/87.

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HUMAN RIGHTS QUESTIONS

Mauritania+*: draft resolution

Infringements of trade union rights in South Africa

The Economic and Social Council,

Recalling its resolution 1989/82 of 24 May 1989, in which it requested the Secretary-General to persist in his efforts to ensure referral of the complaint made by the Congress of South African Trade Unions to the Fact-finding and Conciliation Commission on Freedom of Association of the International Labour Organisation,

Noting that the note verbal from the Permanent Representative of the Republic of South Africa to the United Nations addressed to the Secretary-General 1/ does not comply with the relevant provisions of Council resolution 1989/82,

Having examined the relevant section of the report of the Ad Hoc Working Group of Experts on southern Africa of the Commission on Human Rights, 2/

+ On behalf of the Member States of the United Nations that are members of the African Group.

* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

1/ E/1990/87, annex.

2/ E/CN.4/1990/7.

Gravely concerned about the deteriorating and dehumanizing conditions of black workers brought about by the drastic restrictions on their exercise of trade union rights imposed by the Government of South Africa as a result of the Labour Relations Amendment Act, about the abuse of farm workers and the exploitation of child labour in rural areas, as well as about intervention in industrial disputes, including arrests, banning and harassment of trade unionists,

Aware of the ever-growing importance of the independent black trade union movement in the struggle against apartheid,

1. Takes note of the note by the Secretary-General 3/ submitted pursuant to Council resolution 1989/82, circulating the note verbale from the Permanent Representative of the Republic of South Africa to the United Nations addressed to the Secretary-General;

2. Also takes note of the relevant section of the report of the Ad Hoc Working Group of Experts on southern Africa of the Commission on Human Rights;

3. Expresses its concern about the failure of the Government of South Africa to comply with the provisions of Council resolution 1989/82;

4. Demands the implementation of the provisions of Council resolution 1989/82 by the Government of South Africa;

5. Requests the Secretary-General to persist in his efforts to ensure the implementation of paragraph 9 of Council resolution 1989/82;

6. Requests the Ad Hoc Working Group of Experts to continue to study the situation and to report thereon to the Commission on Human Rights and the Economic and Social Council;

7. Requests the Ad Hoc Working Group of Experts, in the discharge of its mandate, to consult with the International Labour Organisation and the Special Committee against Apartheid, as well as with international and African trade union confederations;

8. Demands once again the abolition of legislation which impedes the exercise of trade union rights in contravention of international labour standards, the immediate unconditional release of all trade unionists imprisoned for exercising their legitimate trade union rights and the cessation of the persecution of trade unionists and repression of the independent black trade union movement;

9. Further requests the Secretary-General to submit a report on the implementation of the present resolution to the Council, for consideration and action, as appropriate, at its first regular session of 1991.

3/ E/1990/87.

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HUMAN RIGHTS QUESTIONS

Australia*, Bulgaria, Byelorussian Soviet Socialist Republic*, Canada, Czechoslovakia, Denmark*, Finland, German Democratic Republic, Hungary*, Italy, Norway*, Philippines*, Poland*, Portugal, Sweden, Union of Soviet Socialist Republics and United Kingdom of Great Britain and Northern Ireland: draft resolution

International Covenants on Human Rights

The Economic and Social Council,

Bearing in mind its important responsibilities in relation to the co-ordination of activities to promote the International Covenants on Human Rights, 1/

Mindful that the International Covenants on Human Rights constitute the first all-embracing and legally binding international treaties in the field of human rights and, together with the Universal Declaration of Human Rights, form the core of the International Bill of Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and Optional Protocol to the International Covenant on Civil and Political Rights, and reaffirming that all human rights and fundamental freedoms are indivisible and interrelated and that the promotion and protection of one category of rights should never exempt or excuse States from the promotion and protection of the other rights,

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1/ See General Assembly resolution 2200 A (XXI), annex.

Recognizing the important role of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in promoting and implementing the International Covenants on Human Rights,

Taking note with appreciation of the report of the Committee on Economic, Social and Cultural Rights on its fourth session, 3/ as well as the general comments of the Human Rights Committee, adopted at its thirty-seventh session, 4/

Noting in this regard that a number of States Members of the United Nations have yet to become parties to the International Covenants on Human Rights,

Considering that the effective functioning of treaty bodies established in accordance with the relevant provisions of international instruments on human rights plays a fundamental role and hence represents an important continuing concern of the United Nations,

1. Reaffirms the importance of the International Covenants on Human Rights as major parts of international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

2. Appeals strongly to all States that have not yet done so to become parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and to consider acceding to the Optional Protocol to the International Covenant on Civil and Political Rights;

3. Invites the States parties to the International Covenant on Civil and Political Rights to consider making the declaration provided for in article 41 of the Covenant;

4. Appeals to States parties to the Covenants that have exercised their sovereign right to make reservations in accordance with relevant rules of international law to consider whether any such reservation should be reviewed;

5. Invites the Secretary-General to intensify systematic efforts to encourage States to become parties to the International Covenants on Human Rights and, through the programme of advisory services in the field of human rights, to provide technical assistance to the States that are not parties to the Covenants, with a view to assisting them to ratify them or accede thereto;

2/ General Assembly resolution 217 A (III).

3/ Official Records of the Economic and Social Council, 1990, Supplement No. 3 (E/1990/23).

4/ E/1990/44, annex.

6. Emphasizes the importance of the strictest compliance by States parties to the Covenants with their obligations under the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and, where applicable, the Optional Protocol to the International Covenant on Civil and Political Rights;

7. Stresses the importance of avoiding the erosion of human rights by derogation and the necessity for strict observance of all the agreed conditions and procedures for derogation under article 4 of the International Covenant on Civil and Political Rights;

8. Welcomes the fact that the Committee on Economic, Social and Cultural Rights, in its general comment on article 22 of the Covenant, adopted at its fourth session, focused on the means by which the various United Nations agencies working in the field of development could seek to integrate measures designed to promote full respect for economic, social and cultural rights in their activities; 5/

9. Weclomes the continuing efforts of the Human Rights Committee to strive for uniform standards in the implementation of the provisions of the International Covenant on Civil and Political Rights and appeals to other bodies dealing with similar questions of human rights to respect those uniform standards as expressed in the general comments of the Human Rights Committee;

10. Welcomes the adoption by the Committee on Economic, Social and Cultural Rights of a general comment at both its third and fourth sessions, and encourages the Committee to continue using that mechanism to develop a fuller appreciation of the obligations of States parties under the Covenant;

11. Invites States parties, in conformity with article 2, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, to consider identifying bench-marks to measure achievements in the progressive realization of the rights recognized in the Covenant and, in this context, to pay particular regard to the most vulnerable and disadvantaged;

12. Invites the Commission on Human Rights, at its forty-seventh session, to consider devoting a seminar under the United Nations programme of human rights activities in 1992-1993 for the discussion of appropriate bench-marks to measure achievements in the progressive realization of the rights recognized in the International Covenant on Economic, Social and Cultural Rights;

13. Requests the Secretary-General to keep the Human Rights Committee and the Committee on Economic, Social and Cultural Rights informed of the relevant activities of the General Assembly, the Economic and Social Council, the Commission on Human Rights, the Commission on the Status of Women, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the Committee on the

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5/ Official Records of the Economic and Social Council, 1990, Supplement No. 3 (E/1990/23), annex III.

Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture and, where appropriate, other functional commissions of the Economic and Social Council and the specialized agencies, and also to transmit the annual reports of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to those bodies;

14. Encourages all Governments to publicize the texts of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights, in as many languages as possible, and to distribute them and make them known as widely as possible in their territories;

15. Decides to include in the agenda of its first regular session of 1991 an item entitled "International Covenants on Human Rights", and to consider under that question the general comments adopted by the Human Rights Committee and the report of the Committee on Economic, Social and Cultural Rights;

16. Also decides to transmit the report of the Committee on Economic, Social and Cultural Rights to the General Assembly at its forty-fifth session for consideration under the agenda item, entitled "International Covenants on Human Rights".

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HUMAN RIGHTS QUESTIONS

Belgium*, Colombia, Costa Rica*, Czechoslovakia, France, Netherlands, Nicaragua, Philippines*, Portugal and Zaire: draft resolution

Suppression of the traffic in persons

The Economic and Social Council,

Recalling Commission on Human Rights resolutions 1982/20 of 10 March 1982 on the question of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, and 1988/42 of 8 March 1988, 1989/35 of 6 March 1989 and 1990/63 of 7 March 1990 on the report of the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Council resolutions 1982/20 of 4 May 1982 and 1983/30 of 26 May 1983 on the suppression of the traffic in persons and of the exploitation of the prostitution of others and 1988/34 of 27 May 1988 and 1989/74 of 24 May 1989 on the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering that the report of the Special Rapporteur of the Economic and Social Council on the suppression of the traffic in persons and the exploitation of the prostitution of others still constitutes a useful basis for further action, 1/

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* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

1/ E/1983/7 and Corr.1 and 2.

Noting with appreciation the report of the Secretary-General on the implementation of Economic and Social Council resolution 1983/30 on the suppression of the traffic in persons and of the exploitation of the prostitution of others, 2/

Noting that only a few Member States, United Nations organizations and intergovernmental organizations have submitted information on the steps taken to implement the recommendations contained in Council resolution 1983/30 of 26 May 1983,

Gravely concerned that slavery, the slave trade and slavery-like practices still exist, that there are modern manifestations of those phenomena and that these practices represent some of the gravest violations of human rights,

Aware of the complexity of the issue of the suppression of the traffic in persons and the exploitation of the prostitution of others and the need for further co-ordination and co-operation to implement the recommendations made by the Special Rapporteur and by various United Nations bodies,

1. Reminds States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 of their obligation to submit to the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities regular reports on the situation in their countries, as provided for under the relevant conventions and under Economic and Social Council decision 16 (LVI) of 17 May 1974;

2. Takes note with appreciation of the report of the Secretary-General on the implementation of Economic and Social Council resolution 1983/30 on the suppression of the traffic in persons and of the exploitation of the prostitution of others; 2/

3. Requests the Secretary-General to report further to the Economic and Social Council, at its first regular session of 1991, on the steps taken to implement the recommendations contained in Council resolution 1983/30 by those Member States, United Nations organizations and other intergovernmental organizations that had not submitted such information and to make that report available to the Working Group on Contemporary Forms of Slavery of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

4. Endorses the request of the Commission on Human Rights, in its resolution 1990/63 of 7 March 1990, that the staff member appointed to serve the Working Group and undertake other activities relating to contemporary forms of slavery in the post which has been included in the budget of the Centre for Human Rights for questions relating to slavery and slavery-like practices be assigned on a full-time basis;

2/ E/1990/33.

5. Endorses the request of the Commission on Human Rights, in its resolution 1989/35 of 6 March 1989, which was reiterated in its resolution 1990/63, that the Secretary-General designate the Centre for Human Rights as the focal point for the co-ordination of activities in the United Nations for the suppression of contemporary forms of slavery;

6. Decides to consider the question of the suppression of traffic in persons at its first regular session of 1991 under the agenda item entitled "Human rights".

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HUMAN RIGHTS QUESTIONS

Argentina*, Australia*, Bulgaria, Chile*, Costa Rica*, Cyprus*, Czechoslovakia*, Denmark*, Finland, Ghana, Greece, Iceland*, Italy, Netherlands, Nigeria*, Philippines*, Poland*, Spain*, Sweden and Yugoslavia: draft resolution

Developments relevant to the activities of the Centre for Human Rights

The Economic and Social Council,

Recalling General Assembly resolution 44/135 of 15 December 1989 and Commission on Human Rights resolutions 1989/46 of 6 March 1989 and 1990/25 of 27 February 1990,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic aims of the United Nations according to the Charter of the United Nations and an issue of utmost importance for the Organization,

Recognizing that the work-load of the Centre for Human Rights has increased rapidly in recent years,

1. Takes note of the report of the Secretary-General on the situation and developments regarding the logistical and human resources support for the activities of the Centre for Human Rights in the field of human rights, and in

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* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

particular the conclusion contained in that report that the work-load of the Centre had increased, while resources had failed to keep pace with the increase in its responsibilities; 1/

2. Requests the Secretary-General to include in the proposed programme budget for the biennium 1992-1993, programme and resource proposals for long-term solutions of the problems posed by this situation, taking also into account the proposals contained in the report of the Task Force on Computerization, 2/ as well as in the study by an independent expert on effective implementation of international instruments on human rights; 3/

3. Further requests the Secretary-General to issue a brief report to the General Assembly at its forty-fifth session on actions taken in 1990 and those planned for 1991, as interim solutions of these problems;

4. Refers the report of the Secretary-General for the consideration of the General Assembly at its forty-fifth session, of the Commission on Human Rights at its forty-seventh session and of the persons chairing human rights treaty bodies at their next meeting.

1/ E/1990/50.

2/ E/CN.4/1990/39.

3/ A/44/668, annex.

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HUMAN RIGHTS QUESTIONS

Bangladesh*, Brunei Darussalam*, Chile*, Colombia, Costa Rica*, Djibouti*, Dominican Republic*, Fiji*, Gambia*, Liberia, Malaysia*, Morocco*, Pakistan, Papua New Guinea*, Philippines*, Senegal*, Sierra Leone*, Singapore*, Somalia*, Thailand, Togo*, Turkey* and Uruguay*: draft decision

Right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

The Economic and Social Council, fully concerned about the protection of human rights in Cambodia, endorses Commission on Human Rights resolution 1990/9 of 19 February 1990 and reaffirms its decisions 181/154 of 8 May 1981, 1982/143 of 7 May 1982, 1983/155 of 27 May 1983, 1984/148 of 24 May 1984, 1985/155 of 30 May 1985, 1986/146 of 23 May 1986, 1987/155 of 29 May 1987, 1988/143 of 27 May 1988 and 1989/156 of 24 May 1989, in which the Council reiterated its call for the withdrawal of all foreign forces from Cambodia in order to allow the people of Cambodia to exercise their fundamental freedoms and human rights, including the right to self-determination as contained in the Declaration on Kampuchea adopted by the International Conference on Kampuchea on 17 July 1981 1/ and in General Assembly resolutions 34/22 of 14 November 1979, 35/6 of 22 October 1980, 36/5 of 21 October 1981, 37/6 of 28 October 1982, 38/3 of 27 October 1983, 39/5 of 30 October 1984, 40/7 of 5 November 1985, 11/6 of 21 October 1986, 42/3 of 14 October 1987, 43/19 of 3 November 1988 and 44/22 of 16 November 1989.

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* In accordance with rule 72 of the rules of procedure of the Economic and Social Council.

1/ See Report of the International Conference on Kampuchea, New York, 13-17 July 1981 (United Nations publication, Sales No. E.81.I.20), annex I.

The Council notes the announced withdrawal of foreign forces from Cambodia and the subsequent reports that some foreign forces have returned to Cambodia. It affirms that a complete withdrawal of foreign forces must be verified by the United Nations within the framework of a comprehensive political settlement. It calls on al parties concerned to engage in negotiations aimed at bringing an immediate end to the conflict in Cambodia and achieving a comprehensive political settlement, providing, inter alia, for the restoration of the human rights of the Cambodian people, including their inalienable right to self-determination in free, fair and democratic elections under direct United Nations administration in which all Cambodian parties should be allowed to participate, and also ensuring a non-return to the universally condemned policies and practices of the recent past.

The Council expresses its grave concern at the unresolved problem of the Cambodian civilians still stranded in Thailand as a result of the continuing hostilities in Cambodia, caused by foreign armed intervention and occupation.

The Council also expresses its grave concern at the continued violations of fundamental human rights, the principles of international law and the Charter of the United Nations, perpetrated against the Cambodian people, particularly the shelling of Cambodian civilian camps along the border.

The Council requests the Secretary-General to report to the Council any further violations of human rights and of humanitarian principles perpetrated against the Cambodian people, and also requests him to continue to monitor closely the developments in Cambodia and to intensify efforts, including the use of his good offices, to bring about a comprehensive political settlement of the Cambodian problem and the restoration of fundamental human rights in Cambodia.

The Council stresses that any Government elected through free, fair and democratic elections in Cambodia should take effective measures to guarantee the human rights and fundamental freedoms of the Cambodian people.

The Council recalls the communiqués issued by the Ad Hoc Committee of the International Conference on Kampuchea on 17 January 1985 and 15 February 1985. The Council notes the visits undertaken by the Chairman and members of the Committee to a number of countries in 1989 in an effort to find a comprehensive political solution to the Cambodian problem. The Council also notes with appreciation the ongoing efforts of the Committee and requests that the Committee continue its work, pending the reconvening of the Conference.